

the device of Group I could be made by a process including epitaxial growth of the nitride material layer as opposed to formation by nitriding a material layer. While not commenting on this proposed alternative specifically, Applicants do note that the Office letter has failed to show by reasons or example why the proposed alternative would be "materially different" as that term is used in MPEP §806.05(f). In addition, for a proper Restriction, a burden must be placed on the Office in searching all claims. In this case, it appears that an entire search of the pending claims would encompass a search of only two subclasses, which would not be burdensome on the Office. For these reasons, Applicants submit that the Office has not presented a *prima facie* Restriction Requirement and it is respectfully requested that this Requirement be reconsidered and withdrawn.

Finally, Applicants note that the provisionally non-elected claims are process claims. To the extent that the Restriction Requirement is not reconsidered and withdrawn, Applicants

respectfully request that these claims be rejoined upon the indication of allowable subject matter.

Respectfully submitted,

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